

REMARKS

Pending in the application after this amendment are claims 28-53, 55-63, and 65 -80. Claims 54, 64 and 81 are hereby canceled. Claim 1-27 were previously canceled.

Claim 35 has been amended to depend from claim 28 and to recite that the additive further comprises a solvent selected from the Markush group recited in the claim.

Claim 41 has been amended to depend from claim 37 and to recite that the additive further comprises a solvent selected from the Markush group recited in the claim.

Claim 52 has been amended to depend from claim 46 and to recite that the additive further comprises a solvent selected from the Markush group recited in the claim.

Claim 55 has been amended to change addition to additive correcting an obvious typographical error.

Claim 62 has been amended to depend from claim 55 and to recite that the additive further comprises a solvent selected from the Markush group recited in the claim.

Claim 69 has been amended to depend from claim 65 and to recite that the additive further comprises a solvent selected from the Markush group recited in the claim.

Claim 73 has been amended to change feed to fuel and addition to additive correcting obvious typographical errors.

Claim 79 has been amended to depend from claim 73 and to recite that the additive further comprises a solvent selected from the Markush group recited in the claim.

The examiner has rejected claims 35, 41, 54, 69 and 79 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully submits that the claims as amended are now in compliance with 35 U.S.C. §112. The claims have been amended to reflect that the recited compounds are solvents as defined by the specification and not diluents.

The examiner has rejected claims 28, 48, 49, 54, 55, 58, 59, 64, 73, 75, 76 and 81 under 35 U.S.C. § 112 as indefinite for failing to particularly point out and distinctly claim the subject matter the applicant regards as his invention.

The examiner rejected claims 28, 48, 58, and 75 on the grounds that the examiner did not see the distinction between the plant oil extracts derived from grain and the vegetable and nut plant oils. The examiner stated the opinion that vegetables and nuts are also grains. Applicants respectfully traverse this rejection. As defined by Webster's, a grain is a seed of fruit from a cereal or grass. Merriam Webster's Collegiate Dictionary p. 543 (11th Ed. 2003) – attached. A vegetable on the other hand is a herbaceous plant and a nut is a hard shell dry fruit or seed. Id at 853, 1386. While all of these are plants, they are different varieties and the differences in the oil extracts and oils would be apparent to one skilled in the art. In addition, plant oil extracts are generally obtained from chlorophyll containing parts of the plant (see, e.g. paragraphs 59 and 60), whereas vegetable oils are generally extracted from the seed, nut or fruit (see, e.g., paragraphs 75 and 76). Thus, applicant respectfully submits that the two groups of materials are distinct the claims are not indefinite.

The examiner rejected claims 49 and 54 as substantial duplicates of each other. Claim 54 has been canceled rendering the rejection moot.

The examiner rejected claim 55 and 65 suggesting that the word addition should read additive. The claims have been amended to reflect the examiner's suggestion.

The examiner rejected claims 59 and 64 as substantial duplicates. Claim 64 has been canceled rendering the rejection moot.

The examiner rejected claim 73 suggesting that the word feed should read fuel and the word addition should read additive. The claim has been amended to reflect the examiner's suggestion.

Finally, the examiner rejected claims 76 and 81 as substantial duplicates. Claim 81 has been canceled rendering the rejection moot.

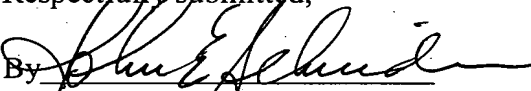
CONCLUSION

Applicant submits that the pending claims are free of the art and are in condition for allowance.

Applicant believes there is no fee due with this response. However, if fees are due, please charge our Deposit Account No. 06-2375, under Order No. P02917US1 (AKA ORYXE.022A) from which the undersigned is authorized to draw.

Dated: June 28, 2004

Respectfully submitted,

By 

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